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Lith by Baker, 8 Wall St. N.Y.

Jona. Cilley

Portrait of Jona. Cilley, a Member of Congress by A. E. Baker 1838 in the Dis't Clerk's Office for the South' Dist of N.Y.

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# FUNERAL ORATION

DELIVERED AT

THE CAPITOL IN WASHINGTON

OVER THE BODY OF

HON. JONATHAN CILLEY,

WITH A

FULL ACCOUNT OF THE LATE DUEL,

COMPRISING MANY

FACTS NEVER BEFORE PUBLISHED.

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EMBELLISHED WITH

AN ELEGANT LIKENESS OF MR. CILLEY,

FROM THE ONLY ORIGINAL PORTRAIT EVER PAINTED.

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WILEY & PUTNAM.

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1838.

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## INTRODUCTION.

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We present to the public a full and correct account of the duel between Mr. GRAVES and Mr. CILLEY, (familiarily styled "the Washington murder,") compiled from authentic documents, well accredited newspaper accounts, and private information from sources worthy of implicit confidence. This case deserves the deliberate consideration of the American people; and the questions arising from it are: Shall the press be deprived of its freedom, by threats and danger of personal conflict? Shall the lives of individuals be put at hazard for freedom of debate? Shall men in public office be allowed to violate their duty to themselves, their wives and children, their immediate constituents, their country, and their God, upon contemptible punctilios, according to duelling laws? And, finally, shall such conduct meet the approbation, or the direct and severe censure, of our people?

For ourselves, we have ascertained and stated facts with care; and though our comments will not be every where acceptable, yet we feel that they correspond with good laws, pure morals, and true religion.

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BEFORE giving the details of the duel which led to the melancholy death of the HON. JONATHAN CILLEY, the publishers deem it advisable to lay before the public, the masterly Oration delivered over his body, in the Hall of Representatives, before the President, Vice President, Secretaries, both branches of Congress, and many other distinguished individuals. This excellent address has *never before been published*, and will be read with deep interest by every good citizen, without regard to political preferences.

THE other proceedings relating to the funeral, are previously given, after which, the reader will find all the interesting facts respecting the duel, and its melancholy termination.

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### FUNERAL SERVICES.

Tuesday, February 27, 1838, at 12 o'clock, M., having been appointed for the funeral, the House met, and was opened in the usual manner, by a short prayer, and the reading of the journal. The body was then placed in the centre isle. The President of the United States, with the Heads of Departments took their seats. The Senators, preceded by the Vice President, entered to the places assigned them ; and once more all was silence. The galleries were crowded with ladies and gentlemen; and hundreds were unable to obtain entrance. The Rev Mr. Slicer, Chaplain of the Senate, opened the ceremonies by reading from the solemn burial service of the Church of England, the passages commencing with, "I am the resurrection and the life," &c. He then addressed the Throne of Grace, in the following appropriate prayer :

"Invisible and all-wise God ! the immortal arbiter of life and death ! called together upon this solemn occasion, we present ourselves before thee, as humble worshippers. We confess the deep depravity of our nature, and the guilt incurred by personal transgression. So numerous and aggravated have been our sins, that it is of thy mercies that we have not been consumed ; for the Great Redeemer's sake, have mercy upon us, and grant that the exercises of this hour may promote thy glory, and the best interests of those here present. Look graciously upon the President and Vice President of these United States; upon the Judiciary of the country; upon both branches of the national Legislature; and grant that all in authority, in

the General State Governments, may feel their responsibility, not only the American people, and to posterity, but their solemn responsibility to God also.

May the public mind be so enlightened, and the public judgment so corrected, the public *conscience* so quickened, as that a conviction shall pervade the public mind throughout this whole country, that "*Righteousness exalteth a nation*, and that *Sin* is a reproach to *any people*. And may the tragical occurrence which has called this multitude together, produce such a revulsion in the mind and feelings of this moral nation, as effectually to prevent the recurrence of a similar case.

We pray, especially, for the widow and orphan children of our deceased brother ; when the sad and blighting intelligence shall reach them, and they are made to feel that desolation of heart which none but God can relieve, do thou in compassion to those bereft ones, "stay thy rough wind in the day of thy east wind," and lead them to "the Rock which is higher than they," that beneath its shadow they may find protection and comfort. Hear us in Heaven, and ultimately save us, for the Redeemer's sake. *Amen.*

The Rev. Mr. Reese, Chaplain of the House of Representatives, then delivered the following address, which the reader will peruse with deep interest and satisfaction.

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### ADDRESS.

I rise to address this crowded auditory, on the present melancholy occasion, with emotions of no ordinary interest and solemnity, such as I have never felt before, and which I pray most ardently to Almighty God I may never have occasion to feel again ; and were I at this moment to consult my feelings alone, I would gladly forbear uttering a single word, and leave you to derive, from silent meditation, the important and solemn lessons which the occasion so impressively teaches. But a minister of Jesus Christ, with the vows of his ministry upon him, must not, dare not, follow at all times the impulses of his own emotions and inclinations. However humble and obscure he may be, he has higher principles of action. His duty to himself, to his fellow beings, and to his God, is the polar star which is to direct and govern him ; and, therefore, with humble reliance on his

grace. I approach with a trembling heart, a service the most painful and delicate I have ever been called upon to perform.

What means this assembled multitude ? Whence this solemn silence which now pervades this hall ? Wherefore is it that every eye is serious, and every countenance betokens the feelings of sorrow which oppress every bosom ? Why is it that our Nation's Legislature has suspended her usual functions, and Senators and Members of the House of Representatives, and other high officers of this Government, are here assembled, wearing on their persons the badges of mourning ? Death is in your midst ! Death is in your midst ! That "mighty Hunter, who ere long will earth us all," has struck down in the noonday of life, in the vigor of health, in a sudden and most heart-rending manner, one of the members of this House ! The Hon. Jonathan Cilley lies there before you a shrouded corpse. A few days ago and he was here in your midst, mingling in your social circles, sharing with you in the responsibilities of his high station as a member of Congress, with many a bright prospect in the perspective of life before him ; but now his eyes are closed ; his limbs are cold and inactive ; his earthly prospects are cut off ; the shadows of death are upon him, and his soul has suddenly gone to share in the realities of an eternal world ! It is, indeed, a most affecting and soul-stirring event.

My friends, the occasion is fraught with solemn admonition and instruction to us all. Here you may learn how soon the dearest earthly prospects of men may be cut off ; how soon and unexpectedly the sky that encircles us may be shrouded in midnight darkness, and how soon we may be called to lay aside the cares and interests of time for the silence of the grave, and the solemnities of eternity. Death makes no distinction among men. The rich and the poor, the slave and his master, the citizen and the statesman, the plebeian and the prince, are all alike the certain victims of death. The grave, that lone and silent resting place, is the common receptacle of us all. "For it is *appointed* unto man once to die." "Man that is born of a woman is of few days and full of trouble. He cometh forth like a flower, and is cut down ; he fleeth as a shadow, and continueth not. Man dieth and wasteth away ; yea, man giveth up the ghost, and *where is he ?*"

But there is another lesson to be derived from this melancholy event ; and most happy shall I be if I can impress it upon your minds as deeply and solemnly as its importance demands. That lesson is the necessity of preparing for the eternity which awaits us all. While we stand here admonished of the frailty and mortality of man ; of cobweb tenure with which he holds all the affairs of this world, let us also remember that we are the creatures of God, the subjects of his moral government ; ruined, indeed, by sin, but invited to embrace the merciful provisions of that covenant of grace under which we live ; that we are spending here a period of probation, on the right improvement of which will depend hereafter the decisions of the day of judgment, and the destinies of vast eternity ; and that it therefore behooves us sincerely and humbly to repent of our sins before God ; to rest for salvation on the atonement and mediation of Christ Jesus our Lord, and to pray daily for divine grace, that we may so live, as that when we come to the close of life, we may “ have death under our feet, and the song of triumph upon our lips,” and so be fully prepared for a happy exchange of worlds. For what will it avail if you secure for the useful employment of your talents the applause of the whole country ; What will it avail if you attain to the loftiest summit of fame’s towering temple, and then die, a sinner against God, a rejecter of Christ, wholly unprepared for the terrible realities of a world of spirits ? “ What shall it profit a man if he gain the whole world and lose his own soul, or what shall a man give in exchange for his soul ?”

Deeply anxious that a due sense of our mortality, and of the necessity of preparing for death and eternity, may be felt by us all, I now take occasion to call your serious attention to a subject on which I am sure every individual who loves the character of his country, and the welfare of his race, must feel a deep and abiding interest. I need scarcely to observe that I now allude to the highly reprehensible custom which obtains among some honorable men of resorting to the field, and to deadly weapons, to settle disputes which may happen to arise among them. Of the unfortunate case before us, I have nothing to say further than this, that all the parties involved in it have my sincere sympathies and prayers. And, in what I am going to say, I wish it distinctly understood that I do not intend to reflect upon the living or the dead ; for here I will remark that I believe

the whole of this tragical affair has been carried forward to its fatal termination under the influence of a species of infatuation originating in a very corrupt and degenerate state of public feeling and opinion. I allude to that state of public feeling which sanctions and approves the practice of dueling ; which makes it *honorable* to challenge and *honorable* to accept a challenge. My remarks, therefore will be understood as referring to the *custom* itself.

This is not a suitable occasion on which to enter upon an elaborate argument on this subject. Whatever practical sanction may have been given to this custom in past times by distinguished gentlemen in our country, it is unquestionably true that every virtuous mind will agree, when cool and deliberate in its decisions, that there is no righteous principle that will justify such a course ; that dueling is adverse to every principle of morality ; at variance with all the dictates of humanity ; and at war with every thing that tends to elevate man in the scale of intellectual beings ; and that it is destructive in all its awful tendencies to the peace and happiness of social and domestic life. Besides, it is clear to the whole world that the termination of these “affairs of honor” settles no question whatever, save only this—that the parties who engage in them possess sufficient courage to expose their lives in combat, but not enough to meet and virtuously oppose the demands which a corrupt and heartless world may make upon them. Dueling does not, *cannot*, in the nature of things, decide the question of right or wrong between them.

The practical results of these personal collisions are oftentimes of the most distressing and heart-appalling character. Take the case before us—no—let us imagine one, and then we shall awaken no improper associations. Look at that young man, the very soul of a fond mother—the pride and boast of a father’s heart—the husband of a tender and confiding wife who leaned upon his manly form for protection—the father of children who look to him for support, for education, for example, and for character. Educated, accomplished, beloved by the friends of his youth, and honored by the associates of his riper years, he enters on the arena of public life with the promise of being creditable to his family and useful to his country. Unfortunately in the progress of events, offences come, and impelled by the influence of that strange and wicked infatuation which is too much cherished in society, and which too often proves the ruin of men, he challenges,

or, being challenged, he signifies his acceptance. The parties resort to the field—they fight—the ball is received, and the unhappy man falls a lifeless corpse on the earth. That moment his parents are childless, his wife is a widow, his children are orphans, the country loses his services, and the soul of the unfortunate man is hurried, uncalled, into the presence of his God ; and the survivor's condition is rendered little less to be lamented, for he has done a deed which nothing but the blood of Christ can wash out, and which will cling to his memory and disturb his conscience throughout the whole period of his life. But who can imagine the soul-rending grief of that fond and confiding wife ? Go to her quiet and peaceable home, where, heretofore, all was the buoyancy of hope and happiness—and how changed. That home is now overshadowed with gloom, and has become a scene of unmingled wretchedness. The intelligence of her husband's death falls upon her ear as unexpectedly as a thunderbolt from a clear sky. Her heart is wrung with the bitterest anguish, and she feels as though the blow is too heavy to be borne. To have lost her earthly all, under ordinary circumstances, would have been an unspeakable trial; but that he should die—in such a manner—so unexpectedly—so awful in all its circumstances—without even being permitted to close, with a wife's fond attentions, his dying eyes, is a cup of sorrow too bitter for her to drink; and then her children—orphans—orphans! But I forbear. God only can assuage such grief, and administer the necessary support and consolation.

This is but a brief and imperfect sketch of some of the deplorable effects of this mode of settling personal disputes; effects which have heretofore been produced in numberless instances in the history of duelling. I have said that the true cause of this woful practice lies deep in the corrupt state of public opinion. The despotism of public opinion fastens its chains upon the bodies and souls of men, and leads some of the most talented and promising of the nation to offer themselves willing victims on the altar of sacrifice; it binds them to the observance of a custom which, in all its features, finds a parallel only in the barbarous customs of heathenism. “ Why does the Hindoo widow mount the funeral pile? To vindicate and maintain her honor. Why does the American gentleman go to the field

with weapons of death? To maintain and vindicate his honor. What is the nature and character of the Hindoo's honor? Quite factitious. Of the duellist's? Quite factitious. How is the motive addressed to the Hindoo? To her fears of reproach. How to the duellist? To his fears of reproach. What, then, is the difference between these two customs? This—that one is practised in the midst of Pagan darkness, and the other in the midst of Christian light and civilization.” How apparent, therefore, is it that the state of public feeling is at this moment, to a great extent among us, as corrupt on this particular subject as it is amid the degradation of the Hindoo. And is it not the anxious inquiry of every Christian, of every patriot, and of every philanthropist, to know how this current of corrupt waters, which has borne upon its deceitful bosom so many of our countrymen to their graves may be stayed? How public feeling and opinion is to be regenerated? All ordinary means have, it seems, entirely failed. Change, then, the taste and feelings of the nation. Reverse the position of the public mind. Make it *dishonorable* to give a challenge—make it *dishonorable* to accept one, and the work is done. It will be done at least so far as the arbitrary demands of the present horrid system are made to extend to gentlemen whose honor is dearer to them than life, and all the blessings of life. Senators—legislators—statesmen—the virtuous of all classes of society must elevate the standard of example and personal influence against it; for so long as duelling finds an advocate or an example among these, so long will it continue to shed its withering curses upon our world. Permit me, then, to say with due respect, and with feelings of high consideration for every Senator, legislator, or statesman, now before me, that a tremendous responsibility rests upon you. To you, I firmly believe, is given the power to accomplish this work; and, therefore, I do this day, in the presence of Almighty God, implore you, in the name of our common country; in the name of religion; of outraged and suffering humanity; for the sake of our talented and chivalrous youth, on whom the country is to depend in peace and in war; by the silence of the dead; by the agony of surviving friends; by the anguish of the widow, and the loneliness of the orphan, and by all that is tender, and solemn, and awful in the case before us, to unite your every effort, in every laudable way, to change this wicked and ruinous state of public opinion, and thus put an end for

the future, if possible, to this awful relic of barbarism which still lingers in the walks of civilization and religion. And I most ardently pray the God of our fathers so to incline your minds, and sustain and direct your course, as that you may be abundantly successful in your efforts of benevolence and patriotism. I have done.

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*Immediately after the conclusion of the funeral Oration, the procession proceeded to the national burying ground, in the following order :*

The Chaplains of both Houses.

Committee of Arrangements, viz :

Mr. Evans, of Maine,

Mr. Atherton, of New Hampshire, Mr. Coles, of Virginia,

Mr. Connor, of North Carolina, Mr. Johnson, of Louisiana,

Mr. Whittlesey, of Ohio, Mr. Fillmore, of New York.

*Pall Bearers, viz :*

|                                 |          |                                  |
|---------------------------------|----------|----------------------------------|
| Mr. Thomas, of Maryland,        | } BODY : | Mr. Campbell, of South Carolina, |
| Mr. Williams, of New Hampshire, |          | Mr. White, of Indiana,           |
| Mr. Ogle, of Pennsylvania,      |          | Mr. Martin, of Alabama.          |

The family and friends of the deceased.

The members of the House of Representatives and Senators from Maine, as Mourners.

The Sergeant-at-Arms of the House of Representatives.

The House of Representatives, preceded by their Speaker and Clerk.

The Sergeant-at-Arms of the Senate.

The Senate of the United States, preceded by the Vice President and their Secretary.

The President of the United States.

The Heads of Departments.

Judges of the Supreme Court, and its officers.

Foreign Ministers.

Citizens and Strangers.

There, in the grand and gloomy cemetery allotted to members of Congress and officers of the Government who expire at Washington, the dust of the late MR. CILLEY was "*returned unto the Earth as it was : for his spirit had returned unto God who gave it.*" In mercy will he receive judgment at the last day.

## BIOGRAPHY.

HON. JONATHAN CILLEY was born in Nottingham, in the county of Rockingham, and State of New Hampshire, in the year 1803. His father, Greenleaf Cilley, Esq., was the son of Colonel Joseph Cilley, a highly distinguished officer of the army of the revolution, whose portrait occupies a place in Trumbull's painting of the surrender of Burgoyne, at Saratoga, now in the Rotundo of the Capitol.\* After the war, Mr. Cilley's grand-father was elected a general of militia, and a member of the Executive Council of New Hampshire, enjoying universal respect and esteem in civil and social life. An intimate friend of the deceased, in a letter to the publishers, remarks:

“I first became personally acquainted with my late lamented

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\* The picture occupies the first pannel in the Rotundo, on the right of the main or western entrance. Previous to the performance of the funeral services, the body was borne into the Rotundo, and there for a time rested upon a bier; and this vast space was entirely filled with ladies and gentlemen, gazing silently at the sable pall. A little girl, accompanied by her parents, apparently unconscious of the solemnity of the scene or occasion, was amusing herself by looking at the picture alluded to, and held in her hand the explanatory card. When suddenly her eye caught the name of Colonel Cilley. She broke the dreadful stillness, by exclaiming, “papa, do show me which is Colonel Cilley!”

Every one heard the sound, and with the quickness of thought, rushed towards the picture. Great God! was ever such a scene as was that moment presented. With a calm and placid smile, see at one point the veteran grandsire everlooking the triumphant transfer of the arms of the tyrant, into the hands of his conqueror, and the captive host of his country's foes, stretching in lengthened lines around him.

Turn but your eyes, and all how changed! The sad preparation for eternal rest, and the last black symbols of woe enclosed the darkened clay of him who had but recently been the cherished hope of his ancestors, the pride of a young family, and the consolation of dear and trusting friends. There was no triumph—no joy. The mourners had gathered together, to pay the last melancholy rites of friendship and respect, in heaviness of heart. The changing gaze of the multitude now on the pictured canvass, and anon upon the shrouded coffin, bespoke more forcibly than human language can describe, the convulsive feelings which tortured the bosom of each. Years may roll on, but never, to their dying day, will those who were present on that occasion, forget *the incident of the picture.*

friend, in 1821, when he became a member of Bowdoin College. I was introduced to him by his gallant brother, Col. Cilley, who was a Captain at the battle of Bridgewater, and led Col. Miller's celebrated charge at the Heights, on that occasion. The deceased was remarkable for his perseverance and firmness of purpose; but, at the same time, one of the most amiable and kind-hearted men that I ever knew. He was ardent in all his pursuits; uncommonly animated and zealous in discussion, and yet, during a close intimacy and daily intercourse for three years, nor on any occasion since, have I ever seen him apparently moved by anger, or any malignant passion.

"He was an excellent classical scholar, but always found much time to devote to general literature, and pursuits not immediately connected with the College course. He was pre-eminently distinguished as a debater, in the literary society, over which he presided during his last year in College. I believe I may safely say that no student of his time, had so many warm friends, and so few enemies.

"He was graduated in 1825, at Bowdoin College, in Maine, with a high reputation both for scholarship and genius."

Mr. Cilley married Miss Prince, of Thomaston, Maine, about ten years since, by whom he became the father of three children, the eldest being now nearly seven years of age.

In announcing his death in the Senate, the Hon. Mr. Williams, in an eulogy full of feeling, remarked:

"From early life Mr. Cilley was ardently attached to the principles of free government; a zealous advocate of the rights of the *whole* people, and a determined opponent of the class of the *few* to tyrannize over the *many*.

"In 1832, Mr. Cilley was elected to the House of Representatives in Maine, and in 1835 and '36 was Speaker of that body, where his talents and love of country became so conspicuous, that in 1837 he was elected to Congress, in a district in which the majority were his political opponents.

"Of his conduct here, I need not speak, for all who hear me, and all who knew Mr. Cilley in the other end of the Capitol, will bear testimony to his ability, to his open, frank, and determined

course, to the high order of his talents and powers as a debater, and to the respect and deference he paid to the rights of others.

“As a man, Mr. Cilley was warm, ardent, generous, and noble; as a friend, true, faithful, abiding. He was in the meridian of his life, aged 35: the past was the earnest of the future.”

These are the observations of warm friends, upon an occasion of deep solemnity, and oppressive and afflicting emotions. The deceased was quick in passion, and carried his sense of honor and chivalry to an extent, which excited the fears of his friends and relations. It was thought by them, probable, that some disaster like that which terminated his life, might occur; and they repeatedly warned him to be on his guard against the rashness of his temperament. Men of ardent passions are usually quick to resent, and ready to forgive and forget; but, when prompted by a high sense of honor, and a sensitive regard for reputation, they are prone to carry private disputes to extremities, that might be properly avoided.

The commencement of Mr. Cilley's life was most fortunate. Fortunate in the display of extraordinary talent—fortunate in the affection of numerous friends—fortunate in the fond love of a wife and children—and fortunate in the confidence and support of his constituents. But in all the circumstances of his untimely death, his life closed most unfortunately. In the sacrifice of talents given to be employed for high usefulness—in the sudden desertion of a wife and three helpless children—in an abandonment of duty to a confiding public—and in a violation of the laws of God and man—in all these, the end of his career was most unfortunate. Without unkindness and without partiality; with due respect for a quick and high sense of honor, and an equal detestation of the custom of fighting to support honor, we think the last verse of Gray's “Elegy” peculiarly appropriate:

“No farther seek his merits to disclose,  
Nor draw his frailties from their dread abode;  
There they alike in trembling hope repose,  
The bosom of his father and his God.”

## LAWS OF DUELLING.

Some points of honor, in reference to this murderous duel, having been made the subject of much comment, we subjoin a few authorities bearing upon the subject.

BOSQUETT, a French writer on duelling, who had been engaged in four duels as principal, and twenty-five as a second, and who is considered high authority on all questions relating to the practice under the *code d'honneur*, makes the following remarks as to the choice of a second :

“There is great danger in adopting as your friend, one who has been injured by, *or bears an enmity to*, the man *you are to fight* ; of which I have given you an instance before. First, if not a man of honor, he will be averse to an accommodation; and, secondly, by carrying matters with too high a hand, under a pretended zeal for you, he may run the risk of sacrificing you to avenge himself ; in other words, he might wish to fight your adversary through your ribs, which is no uncommon case.”

He recommends the choice of a moderate, prudent, and generous man, who has no pique against the opposite party.

“In such a man’s hands,” he remarks, “fatal consequences seldom ensue; and I am persuaded, from my own experience, that, in many duels where the issue has proved disastrous, it is one or other of the seconds, and often both, *that ought to be hanged, and not the surviving principal*. I am confident that there is not one case in fifty where *discreet seconds* might not settle the difference, and reconcile the parties before they come to the field.”

Bosquett makes the following remarks on the *conduct of seconds* :

“It is undoubtedly right that it should be always such as to justify themselves as men of humanity and men of honor; and, when on due investigation it is found to be otherwise, disgrace and infamy ought to follow; but when the reverse appears evident, that they should be entitled to due commendation, and the merited esteem of both the principals. But such is not the object or ambition of the great majority of seconds; they prefer, like keen sportsmen, being

in at the death. And here I cannot help repeating, with just indignation, from a review of numberless facts, that in the variety of instances which have occurred, where life has been lost, several shots exchanged, and the most dangerous wounds received, four-fifths at least of these duels might have been prevented by a timely and judicious interference by qualified and well-disposed seconds."

\* \* \* \* \*

"I have known very few indeed who were not willing to listen to reason when the heat of their resentment had a little subsided; but when they are rather inflamed than assuaged, which is too often the case, by the pretended zeal of our trusty friends, we are frequently hurried to the issue without having time to reflect, or perhaps against our own sense of what is altogether right; and it may be depended on, that we often adopt, as a friend, a cut-throat knave, who would rather see his principal fall, whose cause he specially pretends to espouse, than his adversary."

"So far as the law against duelling goes," says that humane writer, James I., "to the punishment of delinquency in the parties, (I mean where any circumstance appears heinous in the principals, or atrocious in the seconds,) then let them be hanged; but if it appears that they have acted correctly, or of necessity, let them depart in peace."

The following points have been put in relation to the present case:

1. If A declines to receive a note from B because he does not hold himself responsible as a member of Congress to B, the conductor of a public journal, has his friend C a right to press the inquiry, whether he has not another objection, viz: that B is not a gentleman?

2. When A expressly disclaims that his refusing to receive the note proceeds from no want of respect to C, but on the contrary *declares* that he has the highest respect for C, has C a right to infer that his refusing to receive it implies a disrespect to himself?

3. If the refusal is declared to proceed from no want of respect for C, has C or his friend D a right to insist that A shall acknowledge B to be a gentleman?

Common sense and the code of honor, as heretofore understood and practised, answer in the *negative*.

But the point at issue between Mr. Graves and Mr. Cilley, as we understand it, went somewhat further than a mere point of etiquette. Mr. Cilley had given an answer perfectly satisfactory, in his conversation with Mr. Graves, to the note of Colonel Webb, which Colonel Webb requested to have reduced to writing. This Mr. Cilley declined, leaving it a matter that might be questioned, whether Mr. Graves had truly reported the conversation or not. Upon suggestion, Mr. Graves did not choose to lie under the chance of such an imputation now or hereafter. Mr. Cilley, also, refused to go further in writing than the published statement shows, which rested upon the ground that he would not be drawn into a controversy with an editor of a newspaper for words spoken in debate; whereas, Mr. Graves had reported, *verbally*, as he understood him to say, that he did not object to receive the note because Colonel Webb was not a gentleman; and because the challenge of the principal was refused, conjoined with the refusal to put in writing a satisfactory verbal explanation, Mr. Graves found himself bound to challenge Mr. Cilley.

But, on the supposition that the laws of the *duello* required a meeting in this case, the next question is, How far the seconds ought to suffer the matter to proceed ?

On this point, it is the general opinion that the acceptance of the challenge, and a meeting, *pro forma*, satisfies the etiquette. The challenger has vindicated himself to the friend whose note was refused; and the opposite party, by the acceptance of the challenge, has given the highest evidence of his respect for the challenger.

But more than one fire in a duel of etiquette is unheard of. The first fire settles every thing. No explanation is necessary. The seconds may, and it is their duty, to withdraw the principals immediately from the field. There having been no animosity, there was no need for an explanation, or a reconciliation. The parties stood exactly where they were before the note was refused, in the relation of friends. In Dublin, where, many years ago, duels were fought every morning, and were regulated by a code of thirty-six articles, a second fire in a duel of etiquette was never heard of; and the seconds who permitted it would have been considered as guilty of a malicious intent to kill. There, the principals, after the first

fire, were walked off the ground, by the seconds, with or without shaking hands.

In South Carolina, duelling has, in former years, been not unfrequent, and it has always been conducted upon the highest principles of chivalry. We have ascertained that the opinion of gentlemen there is very accurately expressed in the following paragraph from a leading South Carolina journal :

“ As the principals went out on a mere point of etiquette, a single exchange of shots, though without effect, ought to have satisfied all parties; and in a duel conducted on chivalrous principles, as an *affair of honor*, the seconds would have insisted that it should proceed no farther. A blood-thirsty continuance of the combat until it resulted in death, made it an unmitigated *affair of ruffianism*, and the individual who insisted on it, against the feelings of all others on the ground, assumed a most unenviable responsibility.”

“ In case one second should assume the responsibility of objecting to arrest the affair, it is, nevertheless, the duty of the opposite seconds to put an end to it, at all hazards, for their own vindication.” This is a rule which is distinctly insisted upon.

Another principle of duelling was departed from in the case of the late unfortunate combat—we allude to the presence of a number of gentlemen as spectators. This is not tolerated by strict rules, because it converts the affair into a spectacle, and renders any adjustment, without blood, extremely difficult.

Thus far we go, upon the tacit admission that duelling may be allowed in certain cases; but we contend that it is contrary to honor, to true courage, and to all the pure institutions of civilized life. Duelling is tolerated only because it is sanctioned by custom; and that custom is now almost the only relic of the barbarous ages. Custom creates fear of disgrace in honorable men, for none but low-bred ruffians desire to fight; and enlightened men detest, though they may be forced to follow the practice. But what is this fear of disgrace? It is that a man is less afraid of a bullet than of the sneers, or, perhaps, the contempt of his associates. He has more of the physical courage of the wild beast than of the moral courage of a man. He does not fear death, but he fears scorn and loss of caste; therefore, in short, the duellist is a coward. He dares not trust to

the dignity of his own character, nor will he rely upon the rectitude of his conduct for his standing in the world. Therefore, he undertakes to perform a feat far less hazardous than is executed every day by members of the fire departments of our cities, in the ordinary performance of their duty, to prove that he is a man of honor and of courage; whereas he merely proves himself to be a fool, a coward, and a brute.

Let the brave man fear nothing but a violation of duty, and the laws of humanity. Let him stand firm amidst reproach, if it must be, in a conscious rectitude; let him set public opinion at defiance rather than wrong his own conscience, and abide the consequences; let him hold up his head boldly, and say, I enjoy peace within, rather than skulk through life, with averted glance, as his brother's murderer, whose blood is crying from the ground; let him, in short, say, in the comprehensive and sublime language of Voltaire, "I fear God, and I have no other fear," and the base practice of demanding blood, upon every trivial punctilio, exaggerated by little minds to an "affair of honor," will cease forever.

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## HISTORY OF THE DUEL.

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### ORIGIN OF THE CONTROVERSY.

The duel which resulted in the unhappy death of the Hon. Jonathan Cilley, of Maine, had its origin in a remote attack of the "SPY IN WASHINGTON," well known to be MATTHEW L. DAVIS, upon some member of Congress not named. The following is the attack of the "Spy":

"It is in my power, if brought to the bar of either House, or before a committee, and process allowed me to compel the attendance of witnesses, to prove by the oath of a respectable and unimpeachable citizen, as well as by written documentary evidence, THAT THERE IS AT LEAST ONE MEMBER OF CONGRESS WHO HAS OFFERED TO BARTER HIS SERVICES AND HIS INFLUENCE WITH A DEPARTMENT OR DEPARTMENTS FOR COMPENSATION. 'Why, sir,' said the applicant for a contract, 'if my proposition has merit, it will be received. If it has not, I do not expect it will be accepted.' And what do you think was the answer of the honorable member? I will give it to you in his own emphatic language. 'MERIT,' said he, 'WHY THINGS DO NOT GO HERE BY MERIT, BUT BY PULLING THE RIGHT STRINGS. MAKE IT MY INTEREST, AND I WILL PULL THE STRINGS FOR YOU.' "

This paragraph, which was published in the *Courier and Enquirer* of New York, was introduced into the House of Representatives by Mr. Wise, with comments, and a resolution, directing an inquiry into the truth of the charge, and the aggravation of the offence. Upon the resolution, and in reply to Mr. Wise, Mr. Cilley remarked:

"That, as the course proposed to be pursued on this occasion was novel and extraordinary, he hoped the House would pause before it embarked in this business, on such authority as was produced. This charge comes from an editor of a newspaper, and we all know that, in a country where the press is free, few men can expect to escape abuse and charges of a similar description. \* \* \* \* \* He knew nothing of this editor; but if it was the same editor who had once made grave charges against an institution of this country, and afterwards was said to have received facilities to the amount of some \$52,000 from the same institution, and gave it his hearty support, he did not think that his charges were entitled to much credit in an American Congress. If he has charges to make, let him make them distinctly, and not vaguely. Let him make them under the solemnity of an oath, and then it will be quite time enough to act. He trusted the House would not go into an investigation of this kind, on a mere newspaper statement, without any proof.

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"It was giving too much importance, in his opinion, to this newspaper editor, for this House to institute an investigation upon his mere statement, without any proof whatever. He considered that all public men were liable to have charges of this kind made against them; and if their characters were not sufficient to bear it without an investigation into the matter before a committee of the House, they were not fit to be the representatives of the people. If a man was slandered in this way the people would do him justice, and afterwards the press would do him justice, because 'truth is mighty and will prevail.' He was in favor of the utmost freedom of the press; but this was an inconvenience attending its freedom, which every man ought to be prepared to bear. He thought the gentleman from Virginia himself, upon reflection, would come to the conclusion that this charge was too vague and undefined to warrant the action of the House upon it."

In the same debate a collision took place between Mr. Wise and Mr. Cilley, of which the following account is given in one of the newspapers of the day.

Mr. Wise said the gentleman from Maine was singing the old tune of his party; that charges must be *proved* before they are investigated. The same arguments had always been urged here against any investigation of public abuses. He hoped, for the honor of Congress, that no witness could be found to prove the charge of

a corrupt sale of influence by a member of this House. But the gentleman from Maine was more likely to be the man charged than himself; for I, said Mr. Wise, have no executive influence to sell. It therefore more concerned the gentleman and his friends than an investigation should be made than himself and his party. The person alluded to must be one of the party who have influence to sell.

Mr. Cilley, in reply, repelled the insinuation from the gentleman from Virginia, that he was any more liable to the charge than that gentleman himself was; and spoke of it as "a base insinuation." Mr. Wise asked if the gentleman intended to say that he had made any "base insinuation" against any one? Mr. Cilley recapitulated what he had said. The gentleman had insinuated that he was more exposed to the base charge contained in that paper than any one else, and he must consider it as an ungenerous imputation. Mr. Wise: The gentleman does not disclaim the remark, and I must suppose that he intends to insult me. Mr. Cilley could, he replied, say no less than he had said, and he must insist upon what he had said, fearless of all consequences. But he had no intention to insult the gentleman from Virginia, or any one. Mr. Wise remarked, in allusion to this dialogue, that he could scarcely express the contempt he felt for a course of remark which, while it conveyed a personal imputation, evaded personal responsibility.

It is needless to go into the merits of the allegation. Mr. Davis, having been brought to the bar of the House, said no member of that body was implicated, and they dismissed the subject. It was supposed that a transaction of the Honorable John Ruggles, a Senator from Maine, with one Henry C. Jones, of New Jersey, was alluded to; and it appears that, as a compensation for professional services, Judge Ruggles agreed to receive a share in a patent obtained by Jones for a *lock* for trunks, mail bags, etc., with an understanding that it should be vested in a brother of the Senator's, who carried on a similar business, and that the Senator himself should endeavor to have the invention adopted by the Post Office Department. As we now look upon the affair, this was the most frivolous pretext for such a serious allegation that has occurred within our knowledge; foolish in the extreme, and intended merely to injure the political character of a Senator, and to produce an excitement. If Judge Ruggles had made an invention himself, and had used all his influence, personal and political, to have it adopted by any department for which it would be useful, we can see no harm, unless it be that because a man is elected a Senator he must no longer benefit himself or the country.

But the observations of Mr. Cilley touching the character of Col. James Watson Webb, as editor of the *Courier and Enquirer*, produced a serious effect on the mind of that editor; and he felt it necessary, he says, in order to arrest what he declares to be calum-

nies relating to his transactions with the Bank of the United States, and for the purpose of sustaining his character as a gentleman and editor, as well as the influence and standing of his newspaper, to demand an explanation, or satisfaction according to the "laws of honor." With this purpose Colonel Webb visited Washington, and sent the following note to Mr. Cilley by the hands of his friend, Mr. Graves :

*Gadsby's Hotel, Washington, Feb. 20, 1838.*

SIR:—In the *Washington Globe* of the 12th instant, you are reported to have said, in the course of the debate which took place in the *House of Representatives* on that day, growing out of a publication made in the *New York Courier and Enquirer*: "He (you) knew nothing of this editor ; but if it was the same editor who had once made grave charges against an institution of this country, and afterwards was said to have received facilities to the amount of some \$52,000 from the same institution, and gave it his hearty support, he did not think his charges were entitled to much credit in an American Congress."

I deem it my duty to apprize you, sir, that I am the editor of the paper in which the letter from the "*Spy in Washington*," charging a member of Congress with corruption, was first published; and the object of this communication is to inquire of you whether I am the editor to whom you allude, and if so, to ask the explanation which the character of your remarks renders necessary.

Very respectfully,

Your obedient servant,

J. WATSON WEBB.

HON. JONATHAN CILLEY.

This note, then, though apparently one of the leading points in the fatal controversy which followed, will prove, if examined with care, to bear but a remote relation to the direct cause of the meeting. It was borne by Mr. Graves, as the friend of Mr. Webb, to the apartment of Mr. Cilley. Its contents were stated by the bearer, and the reply of Mr. Cilley was, "I cannot receive it, as I do not wish to be drawn into a controversy with any man, and this I state without feelings other than those of friendship, and the highest respect for yourself." Mr. Graves then asked, "Do you then object to receiving the communication, on the ground that Colonel Webb, my friend, is not a *gentleman*?" Mr. Cilley replied, "certainly not; by no means; I do not know Colonel Webb even by sight; how then should I know any thing against his character as a gentleman?"

Mr. Graves then asked, Why it was that he refused to receive the communication? Mr. Cilley replied, that he objected to being drawn into a controversy with a newspaper editor, on the subject of words spoken in debate.

## CONGRESSIONAL DUELLING.

Before proceeding to narrate the occurrences of the duel between Mr. Graves and Mr. Cilley, it may be gratifying to the reader to know something of the duels that have been fought between members of Congress. There was no duel between members of the Continental Congress under the confederation. One of the signers of the declaration of independence, Button Gwinnett, of Georgia, was killed in a duel. After the formation of the Federal Government, the only duels that took place between members were the following :

Messrs. Bayard of Delaware, and Rutledge of South Carolina, fought a duel, but neither were injured. Afterwards, Messrs. Bayard of Delaware, and Champlin of Rhode Island, went out to fight; but the difference was settled on the ground. Messrs. Jackson of Virginia, and Pierson of North Carolina, fought in Virginia; and the former was very severely wounded. Messrs. Calhoun of South Carolina, and Thomas P. Grosvenor of New York, went out to fight; but the quarrel was settled, and they returned friends. The duel between Mr. Randolph, when Senator from Virginia, and Mr. Clay, when Secretary of State, will be well recollected. After the first fire an accommodation took place and the parties shook hands: Mr. Randolph having accepted the challenge, which was given on account of words used in debate, went upon the ground determined not to injure Mr. Clay. "Not for all the lands on the margin of the King of Rivers,\* and his tributary streams," said he, "would I have the blood of a *father and husband* upon my hands." Mr. Clay's first shot passed through Mr. Randolph's dressing gown. After the parties had shaken hands, Mr. Randolph said, "You owe me a new gown, sir." "I am truly glad," replied his generous antagonist, "that I *am not deeper in your debt*." The next duel that took place between members of Congress, was that between Messrs. Bynum of North Carolina, and Jenifer of Maryland. After several shots, both parties fortunately missing, the affair was adjusted by the seconds. Challenges have passed between members, both before and since the last mentioned duel; but, except in the above named cases, a reconciliation was effected without a hostile meeting.

Mr. Mercer of Virginia has distinguished himself in the House as a pacificator in every personal quarrel that has arisen on that floor. It is a noble and generous office; and Mr. Mercer may carry with him, in his retirement, the thanks of many a family that otherwise might have been left without protection. Mr. Mercer has acted, and very efficiently, upon the principle of the British parliamentary

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\* The translation of the Indian name Potomac, near which they fought.

practice, of protecting its members from the consequences of sudden and unavoidable collisions, which take place in the heat of debate.

It appears that the late melancholy duel is the first, between members, that ever resulted fatally ; and, so far as we have been able to learn, it is the first duel of etiquette in the civilized world, that, after the first fire, both missing, was pursued to blood.

We now proceed to the facts of the case which have recently occurred, and will leave the reader to draw such inferences as may seem proper, from the contrast between the manner in which this duel has been conducted, and other affairs of honor. Some authorities of the highest character, respecting the law of the duel, will be hereafter introduced, with comments. Leaving out of mind, for the present, one of the original parties to the controversy, (Colonel Webb,) we now give the statement of the seconds in the combat between Mr. Graves and Mr. Cilley, appending thereto some explanatory notes.

#### STATEMENT OF THE DUEL BY THE SECONDS, WITH ADDITIONAL EXPLANATIONS FROM THE PUBLISHERS.

*Washington City, D. C., Feb. 26, 1838.*

The following is a statement of the facts of the duel between the Honorable Wm. J. Graves, of Kentucky, and the Honourable Jonathan Cilley of Maine, as agreed upon by George W. Jones and Henry A. Wise, the seconds of the parties, committed to writing between the hours of 10½ o'clock A. M., February 25th, and 12 o'clock M., this day. The seconds propose, first, to state the correspondence which occurred before the challenge, and which was communicated through others than themselves; neither second having borne any paper or message, verbal or written, to or from either of the principals, until Mr. Wise bore the challenge, and Mr. Jones bore the acceptance. This correspondence, as it has been placed in the hands of the seconds, is as follows, to wit :

MR. GRAVES TO MR. CILLEY.

*House of Representatives, Feb. 20, 1838.*

In the interview which I had with you this morning, when you declined receiving from me the note of Col. J. W. Webb, asking whether you were correctly reported in the Globe, in what you are there represented to have said of him in this House upon the 12th instant, you will please say whether you did not remark, in substance, that in declining to receive the note, you hoped I would not consider it in any respect disrespectful to me, and that the ground on which you rested your declining to receive the note was distinctly this: That you could not consent to get yourself into personal difficulties with conductors of public journals, for what you

might think proper to say in debate upon this floor in discharge of your duties as a Representative of the people; and that you did not rest your objection, in our interview, upon any personal objections to Col. Webb as a gentleman.

Very respectfully,

Your obedient servant,

W. J. GRAVES.

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HON. JONATHAN CILLEY.

MR. CILLEY TO MR. GRAVES.

*House of Representatives, Feb. 21, 1838.*

The note which you just placed in my hands has been received. In reply I have to state, that in your interview with me this morning, when you proposed to deliver a communication from Colonel Webb, of the New York Courier and Enquirer, I declined to receive it, because I chose to be drawn into no controversy with him. I neither affirmed or denied any thing in regard to his character; but when you remarked that this course on my part might place you in an unpleasant situation, I stated to you, and now repeat, that I intended by the refusal no disrespect to you.

Very respectfully,

Your obedient servant,

JONA. CILLEY.

HON. W. J. GRAVES.

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\* Here the controversy assumed a new bearing, and Mr. Graves became a party to it. Mr. Graves had borne a written communication to Mr. Cilley from Col. Webb, and had taken back to Col. Webb a verbal answer. Col. Webb, it is said, remarked that the answer would be satisfactory, if it was put in writing. Mr. Graves then committed to paper what he had understood Mr. Cilley to say, and which he had communicated to Col. Webb as his reply, and handed it to Mr. Cilley in person. Mr. Cilley's reply did not corroborate the statement in every particular. Mr. Graves says:—"You did not rest your objections, in our interview, upon any personal objections to Col. Webb, as a gentleman." As to that one point Mr. Cilley says:—"I neither affirmed nor denied any thing in regard to his character." Thus, it appears that Mr. Graves considered his veracity as impeached, by the refusal of Mr. Cilley to substantiate in writing what he had understood him to say, and which he had communicated verbally to Col. Webb.

It is proper to mention here, that between Mr. Graves and Mr. Cilley there had, prior to this interview, subsisted the most friendly relations. The note was presented by Mr. Graves in a courteous manner, and the conversation left no unpleasant impression upon the minds of either. In the course of the conversation, Mr. Graves became satisfied with Mr. Cilley's ground of objection to the reception of the note, and so expressed himself. Mr. Cilley did not, as he assured his friends, expect to hear from Mr. Graves on the subject, still less to be drawn into any personal collision with him in relation to it. The conversation alluded to took place on the 21st February; and on the same day Mr. Graves in person handed to Mr. Cilley the note, dated February 20th, of the seconds, recapitulating what he (Mr. Graves) had understood to be the substance of Mr. Cilley's remarks.

MR. GRAVES TO MR. CILLEY.

*House of Representatives, Feb. 22, 1838.*

SIR:—Your note of yesterday, in reply to mine of that date, is inexplicit, unsatisfactory, and insufficient; among other things is this: that, in your declining to receive Colonel Webb's communication, it does not *disclaim* any exception to him personally as a gentleman. I have therefore to inquire, *whether you declined to receive his communication on the ground of any personal exception to him as a gentleman or a man of honor?* A categorical answer is expected.

Very respectfully,

WM. J. GRAVES.

Hon. J. CILLEY.

MR. CILLEY TO MR. GRAVES.

*House of Representatives, Feb. 22, 1838.*

SIR:—Your note of this date has just been placed in my hands. I regret that mine of yesterday was not satisfactory to you, but I cannot admit the right on your part to propound the question to which you ask a categorical answer, and therefore decline any further response to it.

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Very respectfully,

JONA. CILLEY.

Hon. W. J. GRAVES.

Here follows the first paper borne by Mr. Wise.

*Washington City, Feb. 23, 1838.*

As you have declined accepting a communication which I bore to you from Colonel Webb, and as by your note of yesterday you have refused to decline on grounds which would exonerate me from all responsibility growing out of the affair, I am left no other alternative but to ask that satisfaction which is recognized among gentlemen.

\* An intimate friend of Mr. Cilley has stated that in a conversation with him, after the refusal to accept the note of Col. Webb, and before Mr. Graves had challenged, Mr. Cilley related the conversation which had passed, in substance, as contained in the notes of the text. He said "he could not receive" the note; and when asked if he objected to the medium through which it was presented, he said: "No, sir, no—certainly not. I entertain for you the kindest and most respectful feelings; but I decline receiving this, because I do not choose to be drawn into a controversy with Mr. Webb." When Mr. Graves inquired whether Mr. Cilley considered Col. Webb a gentleman, he replied: "I express no opinion about him, but I cannot have a controversy with;" and, upon an intimation that Mr. Graves and Mr. Cilley might be placed in an unpleasant relation towards each other, he said: "I hope not; I cannot see why; I assure you I mean no disrespect to you."

My friend, Hon. Henry A. Wise, is authorized by me to make the arrangements suitable to the occasion.

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Your obedient servant,  
W. J. GRAVES.

Hon. J. CILLEY.

Mr. Wise states that he presented the foregoing challenge to Mr. Cilley, in the parlor at Mrs. Birth's boarding house, a few minutes before 12 o'clock M., on Friday, the 23d instant.

In addition to the foregoing correspondence, the seconds propose to relate only such facts and circumstances as occurred within their joint knowledge, after their own participation in the melancholy affair.

On the evening of the 23d instant, about the hour of five o'clock, P. M., Mr. Jones, the second of Mr. Cilley, delivered to Mr. Graves, in the room of Mr. Wise, and in his presence, the following note, which was the first paper borne by Mr. Jones, to wit:

*Washington City, Feb. 23, 1838.*

Your note of this morning has been received. My friend, Gen. Jones, will "make the arrangements suitable to the occasion."

Your obedient servant,  
JONA. CILLEY.

†

Hon. W. J. GRAVES.

Immediately upon the presentation of the acceptance of the challenge Mr. Graves retired, leaving Mr. Jones with Mr. Wise, who submitted to Mr. Wise the following propositions for the arrangement of the meeting, to wit:

*Washington, Feb. 23, 1838.*

SIR:—Mr. Cilley proposes to meet Mr. Graves at such place as may be agreed upon between us, to-morrow at 12 o'clock, M. The weapons to be used on the occasion shall be rifles; the parties placed side to side at eighty yards distance from each other; to hold the rifles horizontally at arm's length, downwards; the rifles to be cocked, and triggers set; the words to be, "Gentlemen, are you ready?" After which, neither answering "No," the words shall be, in regular succession, "Fire—one, two, three, four." Neither

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\* It is certain, from many circumstances, that Mr. Cilley did not expect a challenge from Mr. Graves, until it was delivered by Mr. Wise. He did expect that he might be attacked in the street by Col. Webb, and made due preparations for such an event.

† That Mr. Cilley determined to fight the duel to an issue which would not compromise his honor, and without deviating from the ground he had taken in relation to Col. Webb, is manifested from the fact of his going out to practice with his rifle, and also from the remark he made to a friend, who urged an adjutant, that "*New England must not be trampled on.*"

party shall fire before the word "fire," nor after the word "four." The positions of the parties at the ends of the line to be determined by lot. The second of the party losing the position shall have the giving of the word. The dress to be ordinary winter clothing, and subject to the examination of both parties. Each party may have on the ground, besides his second, a surgeon and two other friends. The seconds, for the execution of their respective trusts, are allowed to have a pair of pistols each on the ground, but no other person shall have any weapon. The rifles to be loaded in the presence of the seconds. Should Mr. Graves not be able to procure a rifle by the time prescribed, time shall be allowed for that purpose.

Your very obedient servant,

GEO. W. JONES.

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Hon. HENRY A. WISE.

About 9 o'clock, P. M., at Mr. Jones's room, at Dowson's, Mr. Wise returned to him the following answer, to wit:

*Washington, Feb. 23, 1838.*

SIR:—The terms arranging the meeting between Mr. Graves and Mr. Cilley, which you presented to me this evening, though unusual and objectional, are accepted; with the understanding that the rifles are to be loaded with a single ball, and that neither party is to raise his weapon from the downward horizontal position until the word "fire."

I will inform you, sir, by the hour of 11 o'clock A. M. to-morrow, whether Mr. Graves has been able to procure a rifle, and consequently whether he will require a postponement of the time of meeting.

Your very obedient servant,

HENRY A. WISE.

Hon. GEO. W. JONES.

About 8 o'clock A. M., on the 24th instant, Mr. Jones left at Mr. Wise's room the following note, to wit:

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\* The rifle used by Mr. Graves carried balls of ninety to the pound; and Mr. Cilley's were a hundred and twenty. Much controversy has been excited by this difference; but at the distance of eighty or a hundred yards, it is well known that the difference would be of no moment. Mr. Cilley used a rifle belonging to Dr. Duncan, with which he carefully practised. He was, it is said, an expert deer hunter and a capital shot, as was fully proved by his practice at the Old Magazine, just before the duel. When remonstrated with by his friends for using so light a rifle, he said, "the shot is large enough, perhaps, to wound him slightly; I would not wish to do any thing more." Mr. Graves obtained a rifle late Friday night, and practised during Saturday forenoon, from eight till near twelve o'clock, with the rifle that he used on the field.

*Washington City, D. C., Feb. 24, 1838.*

SIR:—I will receive, at Doctor Reilly's, on F street, any communication you may see proper to make me, until 11 o'clock A. M. to-day.

Respectfully,  
Your obedient servant,  
GEO. W. JONES.

Hon H. A. WISE.

*Doctor Reilly's, F street, Feb. 24, 1838, }  
10 o'clock, A. M. }*

SIR:—I have called at this place, in conformity with your note of this morning, to inform you that Mr. Graves has not as yet been able to procure a rifle and put it in order, and cannot be ready by 12 o'clock M. to-day. He is desirous, however, to have the meeting to-day, if possible, and I will inform you by half past 12 o'clock M to-day, what time to procure and prepare a weapon he will require.

Very respectfully, &c.,  
HENRY A. WISE.

Hon. GEORGE W. JONES.

Afterwards, Mr. Jones left at Mr. Wise's room the following note, to wit:

*Washington, Feb. 24, 1838, 10½ A. M.*

SIR:—Your note, dated at 10 o'clock to-day, is received. In reply, I have the pleasure to inform you that I have in my possession an excellent rifle, in good order, which is at the service of Mr. Graves.

Very respectfully, &c.,  
GEO. W. JONES.

Hon. H. A. WISE.

Afterwards, Mr. Jones sent to Mr. Wise's room the following note, to wit:

*Washington, Feb. 24, 1838, 11 A. M.*

SIR:—Through the politeness of my friend, Dr. Duncan, I now tender to you, for the use of Mr. Graves, the rifle referred to in my note of 10½ A. M. this morning.

Respectfully,  
Your obedient servant,  
GEO. W. JONES.

Hon. H. A. WISE.

And with this note a rifle and powder flask and balls were left at Mr. Wise's room.

After the reception of this note from Mr. Jones, Mr. Wise

called on him, at Dr. Reilly's, and informed Mr. Jones that Mr. Graves had procured a rifle other than that left at his room by Dr. Duncan, and would be ready for the meeting at 3 o'clock P. M. It was then agreed that the parties should meet at the Anacostia bridge, on the road to Marlborough, in Maryland, between the hours of 1½ and 2½ o'clock P. M., and if either got there first, he should wait for the other, and that they would thence proceed out of the District.\* Accordingly, the parties met at the bridge, Mr. Cilley and his party arriving there first, and all proceeded, about 2 o'clock P. M., to the place of meeting. On arriving at the place, Mr. Jones and

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\* On the morning after Mr. Cilley had accepted the challenge of Mr. Graves, Colonel Webb took measures to prevent the meeting, as will appear from the following extract from an authentic statement of Major W. H. Morrel of the army :

"Col. Webb said that it was utterly impossible that any meeting could be permitted to take place between Messrs. Graves and Cilley, until Mr. Cilley had first met him, and that he was determined to force such meeting upon Mr. Cilley, be the consequences what they might; and that in pursuance of that determination, he had secured the services of Mr. Daniel Jackson on the evening previous, shortly after the acceptance of Mr. Graves's challenge by Mr. Cilley, and now called to ask my co-operation in the following proceeding, viz.: 'That Col. Webb, accompanied by Mr. Jackson and myself, properly armed, should repair to Mr. Cilley's room, when Mr. Webb should offer Mr. Cilley the choice of his duelling pistols, with the following alternatives: Either then and there to settle the question, or pledge his word of honor that he would give Col. Webb a meeting before Mr. Graves, at such place and time, and with such weapons as Mr. Cilley might appoint; and in the event of doing neither, then to expect the most serious consequences on the spot.' Mr. Webb then added, 'should he refuse either to fight me at the time, or give the pledge required, I shall have no alternative left but to shatter his right arm, and thereby prevent his meeting my friend.'

"I considered Col. Webb bound in honor to take the course he suggested, and promptly declared my willingness to accompany him. At 10 o'clock I was informed by Col. Webb that although he had been assured on the evening previous that Mr. Graves and Mr. Cilley would not meet for some days, he had reason to believe that he had been intentionally deceived, and that the meeting would take place on that day at 12 o'clock. At his request, I immediately took measures to ascertain whether Mr. Cilley was at his lodgings, and finding that he was not, Col. Webb, Mr. Jackson, and myself, all well armed, took carriages and repaired to Bladensburgh, where it was said the meeting was to take place. Before arriving at the ground, Col. Webb designated the following as the order of proceeding, to which we assented, believing it to be the only course left him, and demanded, by every consideration of duty towards his chivalric friend, Mr. Graves: 'On reaching the parties,' said Col. W., 'I'll approach Mr. Cilley, and tell him that this is "*my* quarrel, and he must fight me, and that if he aims his rifle at my friend, I'll shoot him on the spot."' We know that upon this, Messrs. Graves and Wise will interfere, and that we will be ordered off the ground, but I shall tell them that we have come prepared to lose our lives, or prevent the meeting, and that it cannot proceed without first disposing of us. From our knowledge of the parties, it is probable that some one of them will then raise his weapon at me, when I shall instantly shoot Cilley, and we must proceed to defend ourselves in the best way we can."

Mr. Wise immediately proceeded to mark off the ground. They then decided the choice of positions. Mr. Wise won the position, and consequently Mr. Jones had the giving of the word. At this time, Mr. Jones was informed by Mr. Wise that two gentlemen, (Mr. Calhoun of Kentucky, and Mr. Hawes of Kentucky,) were at some distance off, spectators, but they should not approach upon the ground. Mr. Jones replied that he objected to their coming on the ground, as it was against the articles of the meeting, but he entertained for them the highest respect. Mr. Wise also informed Mr. Jones that, contrary to the terms, he had brought to the ground *two* rifles; that if he (Mr. Jones) required him to do so, he would immediately send one of them away. Upon Mr. Jones finding that the rifle was unloaded, he consented that it should remain in one of the carriages. There were, it is proper to remark, several persons on the ground, (besides the hack-drivers and the two gentlemen before mentioned at a distance,) who were there without the authority or consent of either party or their friends, as far as is known either to Mr. Jones or Mr. Wise, and one of these persons was supposed to be the owner of the field. Shortly after the hour of 3 o'clock P. M., the rifles were loaded in the presence of the seconds; the parties were called together; they were fully instructed by Mr.

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The parties went to other places, and took other steps to arrest the duel, but without effect, for an unusual place for such affairs had been selected, so as to prevent interference, which had probably been anticipated.

In this connection, we may properly introduce an incident of a most interesting nature, as related by a correspondent of the *Pennsylvania Inquirer*. Mrs. Graves did not know that her husband was about to engage in a duel; but "by some accident, I know not how it was, Mrs. Graves ascertained the painful fact that her husband had gone to the field. Notwithstanding the day was severely cold, and the lady was in feeble health, the moment the intelligence of the duel was made known to her, she proceeded to the proper authorities, and procured a bench warrant for the arrest of all parties engaged in the affair. She then proceeded to the marshal of the district, procured a carriage, and accompanied that officer to seek out the field of battle.

"The better to execute their designs, and avoid all interruption, the duellists had led the public astray as to the place selected, and Mrs. Graves, after having examined several places usually resorted to by those who indulge in the trial by battle, without success, returned to the city in despair. Before she reached her lodgings the deed had been done.

"Her conduct is worthy of all commendation and applause. The spirit and deep moral sense which this lady evinced, should entitle her to the admiration of every advocate of humanity and justice. Had she been successful in her holy efforts to repress and subdue the hurricane of passion which led her husband to the margin of an untimely grave, the affair might have been amicably adjusted, and poor Cilley might have escaped the fate that attended him. And whilst the unfortunate Mrs. Cilley and her orphan children are left to bewail the loss of a father and husband, it may be a mournful satisfaction to them to know, that the wife of the man at whose hands he fell, struggled, though ineffectually, to prevent the death of their common protector."

Jones as to their position, and the words twice repeated to them, as they would be and as they were delivered to them in the exchange of shots. After this, they were ordered to their respective positions; the seconds assumed their places; and the friends accompanying; the seconds were disposed along the line of fire to observe that each obeyed the terms of meeting. Mr. Jones gave the word distinctly, audibly, and in regular succession, and the parties exchanged shots without violating in the least a single instruction. They both missed. After which, Mr. Wise called upon the friends generally to assemble and hear what was to be said.

Upon the assembling of the friends, Mr. Jones enquired of Mr. Wise whether his friend (Mr. Graves) was satisfied? Mr. Wise immediately said, in substance: "Mr. Jones, these gentlemen have come here without animosity towards each other; they are fighting merely upon a point of honor; cannot Mr. Cilley assign some reason for not receiving at Mr. Graves's hands Colonel Webb's communication, or make some disclaimer which will relieve Mr. Graves from his position?" Mr. Jones replied, in substance: "Whilst the challenge is impending, Mr. Cilley can make no explanations." Mr. Wise said, in substance: "The exchange of shots suspends the challenge, and the challenge is suspended for the purpose of explanation." Mr. Jones thereupon said he would see Mr. Cilley, and did go to him. He returned, and asked Mr. Wise again: "Mr. Wise, do I understand aright that the challenge is suspended?" Mr. Wise answered: "It is." Mr. Jones was then about to proceed, when Mr. Wise suggested that it was best, perhaps, to give the explanation or reason in writing. Mr. Jones then said, in substance: "Mr. Wise, if you require me to put what I have to say in writing, I shall require you to put what you have said, and may say, in writing." Mr. Wise replied: "Well, let us hear the explanation beforehand, as it may not be necessary to put it in writing." Mr. Jones then proceeded, as he now thinks, substantially to say: "I am authorized by my friend, Mr. Cilley, to say, that in declining to receive the note from Mr. Graves, purporting to be from Colonel Webb, he meant no disrespect to Mr. Graves because he entertained for him then, as he now does, the highest respect and the most kind feelings; but that he declined to receive the note, because he chose not to be drawn into any controversy with Colonel Webb." Mr. Wise thinks this answer of Mr. Jones was, in substance, as follows: "I am authorized by my friend, Mr. Cilley, to say, that in declining to receive the note from Mr. Graves, purporting to be from Colonel Webb, he meant no disrespect to Mr. Graves, because he entertained for him then, as he does now, the highest respect and the most kind feelings; but my friend refuses to disclaim disrespect for Colonel Webb, because he does not choose to be drawn into an expression of opinion as to him." Such is the substantial difference

now between the two seconds, as to this answer of Mr. Jones. The friends on each side, with the seconds, then retired from each other to consult upon this explanation. After consultation, Mr. Wise returned to Mr. Jones, and said: "Mr. Jones, this answer leaves Mr. Graves precisely in the position in which he stood when the challenge was sent." Much conversation then ensued between the seconds and their friends, but no nearer approach to reconciliation being made, the challenge was renewed, and another shot was exchanged, in a manner perfectly fair and honorable to all parties.

After this, the seconds and the friends again assembled, and the challenge was again withdrawn, and very similar conversations to that after the first exchange of shots again ensued. Mr. Jones then remarked: "Mr. Wise, my friend, in coming to the ground, and exchanging shots with Mr. Graves, has shown to the world, that, in declining to receive the note of Colonel Webb, he did not do so because he dreaded a controversy. He has shown himself a brave man, and disposed to render satisfaction to Mr. Graves. I do think that he has done so, and that the matter should end here." To this, Mr. Wise replied in substance: "Mr. Jones, Mr. Cilley has already expressed his respect for *Mr. Graves* in the *written correspondence*, and Mr. Graves does not require of Mr. Cilley a certificate of character for Colonel Webb; he considers himself bound not only to preserve the respect due to himself, but to defend the honor of his friend, Colonel Webb." These words of Mr. Wise, Mr. Jones recollects, and Mr. Wise thinks he added the words: "Mr. Graves only insists that he has not borne the note of a man who is not a man of honor, and not a gentleman." After much more conversation, and ineffectual attempts to adjust the matter, the challenge was again renewed; and whilst the friends were again loading the rifles for the third exchange of shots, Mr. Jones and Mr. Wise walked apart, and each proposed to the other anxiously to settle the affair. Mr. Wise asked Mr. Jones, "If Mr. Cilley could not assign the reason for declining to receive the note of Colonel Webb, that he (Mr. Cilley) did not hold himself accountable to Colonel Webb for words spoken in debate? Mr. Jones replied that "Mr. Cilley would not assign that reason, because he did not wish to be understood as expressing the opinion whether he was or was not accountable for words spoken in debate." Mr. Wise then, according to his recollection, asked Mr. Jones whether "Mr. Cilley would not say, that in declining to receive the note of Colonel Webb, he meant no disrespect to Mr. Graves, either *directly* or *indirectly*?" To which Mr. Jones replied affirmatively, adding, "Mr. Cilley entertains the highest respect for Mr. Graves, but declined to receive the note, because he chose to be drawn into no controversy with Colonel Webb." After further explanatory conversation, the parties then exchanged the third shot, fairly and honorably, as in every instance. Imme-

diately previous to the last exchange of shots, Mr. Wise said to Mr. Jones, "If this matter is not terminated this shot, and is not settled, I will propose to shorten the distance." To which Mr. Jones replied, "After this shot, without effect, I will entertain the proposition."

After Mr. Cilley fell, Mr. Wise, for Mr. Graves, expressed a desire to Mr. Jones to see Mr. Cilley. Mr. Jones replied to Mr. Wise, "My friend is dead;" and went on to Mr. Graves and told him that there was no objection to his request to see Mr. Cilley. When Mr. Jones approached Mr. Graves, and informed him that his request should be granted, Mr. Graves inquired, "How is he?" The reply was, "My friend is dead, sir." Mr. Graves then went to his carriage. Mr. Wise inquired of Mr. Jones, before leaving the ground, whether he could render any service, and tendered all the aid in his power. Mr. Wise and Mr. Jones concur that there were three shots exchanged.

Such is the naked statement of all the material facts and circumstances attending this unfortunate affair of honor, which we make in justice to our friends, to ourselves, to all concerned, to the living and to the dead; and it is made for the only purpose of allaying excitement in the public mind, and to prevent any and all further controversy upon a subject, which already is full enough of woe. We have fully and *substantially* stated wherein we agree and disagree. We cordially agree, at all events, in bearing unqualified testimony to the fair and honorable manner in which this duel was conducted. We endeavored to discharge our duties according to that code under which the parties met, regulated by magnanimous principles, and the laws of humanity. Neither of us has taken the least exception to the course of the other; and we sincerely hope that here all controversy whatever may cease. We especially desire our respective friends to make no publication on the subject. None can regret the termination of the affair more than ourselves, and we hope, again, that the last of it will be the signatures of our names to this paper, which we now affix.

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GEO. W. JONES,  
HENRY A. WISE.

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\* As there has been some controversy as to the relative calibres of the rifles used by the parties, it is proper to mention that it has been ascertained that one of Mr. Cilley's balls, probably at the second fire, passed through a chesnut rail six yards beyond Mr. Graves, and so exactly in the range with him, that it is almost miraculous how it could have escaped him; it must have passed very close to his breast. Another of Mr. Cilley's balls struck and splintered the top of one of the rails; of the third ball no trace was found.

Mr. Cilley had the sun in his favor; but there was a stiff wind against him. The distance was to have been eighty yards, but the seconds made it ninety-four, as it has since been found to be upon accurate measurement. Both of the parties fired twice, with their cloaks on; the last time, Mr. Cil-

With the most praiseworthy intentions to prevent a fatal result, and effect a reconciliation, Messrs Hoffman, Curtis, and Moore, all members of the House of Representatives, and several others, as soon as the rumor of the duel was bruited, endeavored to find and arrest the combatants.

After reading Mr. Graves' first note, Mr. Cilley expressed to his friends some surprise at it, and said that it appeared to be intended to force him either to avail himself of the privileges of a member to screen himself from responsibility, or to force him to relieve himself, by an acknowledgement of what he had neither repeated nor denied,—that Colonel Webb was a gentleman. He would not, he said, be forced to either alternative, even by a park of artillery opened upon his breast. His reply, however, which is of the same date, the 21st February, is mild, gentlemanlike, and ought to have been, according to the rules of chivalry, satisfactory. The next day, February 22d, Mr. Cilley received Mr. Graves' note of that date. It was written in a technical style, and pronounced his reply to be, "inexplicit, unsatisfactory, and insufficient." Mr. Cilley remarked to a friend, in regard to this note, "It is disrespectful." His feelings were wounded, and he expressed the belief that it was intended either to humiliate him, or to bring him into the field; still, his reply was mild and unoffending, and expressed his regret that his note was not satisfactory to Mr. Graves.

On the night of this day, Mr. Cilley attended the very brilliant National Birth-Night Ball, at Carusi's, of which he was one of the managers. He was very gay and cheerful, and it is remarked that he danced in the same cotillion with Mr. Graves, and exchanged with him the usual courtesies.

The next day, Mr. Wise waited upon Cilley, at his lodgings, about 12 o'clock, as the bearer of a challenge from Mr. Graves, and the acceptance of it was delivered, at 5 o'clock, the same evening, to Mr. Graves, in the presence of Mr. Wise, by the friend of Mr. Cilley, General Jones, of Wisconsin. The next day was assigned for the meeting,—an unfortunate expedition, which precluded the possibility of any arrangement, through the more discreet and older friends of the parties. But in regard to the fate of Mr. Cilley, it appears that it was not hastened by the promptness of the meeting.

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ley threw off his cloak, while Mr. Graves retained his; he was struck in the lower part of the abdomen, and the ball, as he stood sideways, passed through it. He dropped his rifle and folded his arms strongly across his abdomen—went forward, and fell into the arms of Col. Schaumburg. He died in about three or four minutes, and very easily, without a struggle and without pain. It was 4 o'clock in the afternoon when they fought. Mr. Cilley was attended by Mr. Bynum, of North Carolina, Dr. Duncan, of Ohio, and Col. Schaumburg; and Mr. Graves, by Messrs. Crittenden and Menefee, of Kentucky, and Dr. Foltz.

Now, we have the certificate of Colonel Webb, and his two friends, Daniel Jackson and William H. Morrell, that assassination was to have anticipated the more regular consummation of the object of Mr. Cilley's antagonists.

It may be necessary, in explanation of the reasons which induced Mr. Cilley to choose the rifle as his weapon, to state, it was the only one, with the use of which he was at all acquainted, he having sometimes amused himself with it in the forests of Maine.

We have thus followed the train of events in the history of the fatal and bloody transaction, which we have throughout endeavored faithfully to narrate, till the time when the death-wound was received, and Mr. Cilley fell a victim to the barbarous "code of honor." It is perhaps needless to relate that his body was hastily conveyed back to the city, accompanied by the friends in his company, and to the same lodgings he had but a few hours previously left in all the bloom of health, and with a prospect before him of a long, honorable and useful life. Mr. Graves and his friends reached home but a few minutes earlier. The excitement, which, during the day had raged with great violence, now broke out with the ungovernable fury of the mighty hurricane. For the time, all associations, political or social, were abandoned, and nought but lamentation for the untimely fate of Mr. Cilley, and denunciations, and execrations, and vows of vengeance dire upon his murderers, were heard.\*

The night, however, with the succeeding day (Sunday) and night, passed happily by, without witnessing a recurrence of further scenes of violence or blood. On Monday, the 26th, both Houses of Congress assembled at the accustomed hour. But ah! "how changed the scene!" Little need was there of a call to order; within and around the hallowed halls of the nation's councils, death's own breathless *order* and silence prevailed, and pervaded the very heart of each. In the House of Representatives there was one blood-stained *vacant* seat. Toward this point turned every eye; some bedimmed with tears, and others with a vacant, unmeaning gaze.

The slight tap of the Speaker reminds the assembled throng (for not an inch of the immense galleries was unoccupied) that the Rev. Chaplain is about to address the God of Heaven in their behalf. This brief but solemn space is passed: and next succeeds—not the usual bustle of business—it is the trembling, yet audible voice of a friend and official brother of the deceased member, making to the

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\* Mr. Cilley remarked to a friend, in justification of his acceptance of the challenge, that "*New England must not be trampled on.*" When he fell, his rifle, by some means, broke, and, upon the arrival of the body, with the parts of the rifle in the same carriage, the honorable Mr. Pierce, a Senator from New Hampshire, who lodged in the same house with Mr. Cilley, and was his intimate friend, took the fragments and said: "*I will keep the broken arms, with which my friend defended the honor of New England.*"

chair the formal announcement of the death of the *absent* member. Alas ! an absence eternal ! This announcement was made by Mr. Fairfield, of Maine, in a brief but most feeling and impressive manner. At the conclusion of which, a committee of arrangements were appointed, to make the necessary preparations for the funeral, and the House adjourned.

These proceedings being communicated to the Senate, Mr. Williams, Senator from Maine, rose and pronounced the touching and affecting eulogy on the deceased—which we have before given: when that body also adjourned.

Before the remarks made by Mr. Cilley upon Col. Webb, there had been some rather severe observations between Mr. Cilley and Mr. Wise; and, in order to show the state of feeling between those gentlemen, we subjoin the following

### SPEECH OF MR. CILLEY,

*In the House of Representatives, January 23, 1838,—In Committee of the Whole, on the bill to make a special appropriation for the suppression of Indian hostilities.*

MR. WISE commenced the debate, and led off in opposition to the bill, and in a general attack of the administration. On Mr. WISE resuming his seat, Mr. CILLEY obtained the floor, but yielded it to Mr. DOWNING, the delegate from Florida, who supported the bill, and ably defended the policy and measures of the administration, so far as related to the Florida war. Mr. WISE replied to Mr. DOWNING, and renewed his opposition.

MR. CILLEY then followed, and said: I rise, sir, to say but a few words upon the bill now before us; but few will be necessary after the eloquent and just remarks which have fallen from the talented delegate from Florida. I listened to him with pleasure, while he gave us, from his own personal knowledge, the facts of the case, and the real condition of things as they exist at the seat of the war. He has laid bare the origin of hostilities, which were commenced by the Seminoles without any just provocation on our part, and which have been prosecuted by them in a series of the most cold-blooded murders and butcheries of the whole white population within their reach. So far as the administration is concerned in this war, he (Mr. DOWNING) has set the whole matter right before the country.

But, sir, I feel impelled to say something when I hear views and sentiments put forth here, and calculated to have effect abroad, the whole drift of which is to hold up my own countrymen in the light of savages, while hostile Indians are extolled as patriots, statesmen, and heroes. Were I a stranger to the history of my own race, and to Indian character, and now, from the representations of the gentleman from Virginia, (Mr. WISE,) for the first time, forming my

notion of the two people, I might be persuaded to believe that all the virtues which have heretofore adorned civilized man, are now possessed by the Cherokee race; while all that is perfidious, ferocious, and savage, have become concentrated in the descendants of the fairer European. What, sir, do we hear these things said in an American Congress? Are they so? Have we, indeed, changed places? Are we not the true sons of our sires? Is not the Indian still true to the blood of his race?

But the gentleman appeals to the committee, and in tones of sympathetic feeling asks, what is to become of the "poor Indians?" I cannot answer that: God, in his providence, only knows. But, sir, when war rages between us and them, commenced on their part without just cause, and waged in the most relentless mode known to the annals of Indian warfare; when our own defenceless citizens are being slaughtered by them; when your armies are there, in a sickly clime, in pursuit of the lurking Seminole, and struggling with the peculiar natural difficulties of the swamps and hammocks of Florida, which must be encountered and overcome before a successful blow can be struck, and the enemy subdued, if the course of the gentleman from Virginia is to be pursued, and you now stop all supplies, I ask, in the name of patriotism and real humanity, what is to become of our own brethren, the poor whites? It is proposed, by the bill before us, to provide pay and subsistence for our own troops. You have called them into this service, a field full of labor and peril, but of too little honor, I admit. Yes, sir, however necessary the duty, and however faithfully it be performed, there are no laurels to be won, as when contending in open plains with manly foes. The funds heretofore provided are exhausted; our troops are there; and now is the very season most favorable for their operations to subjugate the hostile Seminole, and restore peace and quiet to our borders.

But the gentleman would have us halt all at once, cut off all further supplies, and even refuse to pay those who have already rendered service upon the call of the lawful authorities of the country. And for what? Is it to benefit the Indian, or to injure the administration? Sir, my blood thrills in my veins to hear the conduct of faithless and murderous Indians lauded to the skies, and our sympathies invoked in their behalf, while in the same breath our own Government and its most distinguished citizens are traduced and villified to the lowest degree. To-day Oseola and the Chief Magistrate of this Union have been lugged together by the gentleman from Virginia (Mr. WISE) into this debate; and while to the former he yields the homage of his highest respect and admiration, he bestows upon the latter, in comparison with him, a sneer of contempt and ridicule. It was but the other day, in his place here, the same gentleman took occasion to institute a comparison between another favorite Indian brave of his, John Ross, and our distinguished Se-

cretary of State, Mr. Forsyth, in which the Cherokee, in his estimation, had the best of it in every point of view.

Is it possible, sir, that partisan feeling and political hostility will force gentlemen such lengths? Will they, in outrage to common sense, smother patriotism, and forget the honor of their country, and its common good, in their hasty zeal to cast odium upon their opponents, and to put down an administration of the people's choice? Will they do violence to the known history and character of races, and subvert all the policy of our people and Government since the first settlement by the whites on this great continent? And for what? To find something to the prejudice of a democratic administration, and to induce the people to displace it, and to substitute one based on their new notions. Such a course seems almost incredible; yet our history is not wanting in a case somewhat parallel. Let gentlemen recur to it as illustrating the principles they are becoming identified with, and as a warning where it may lead them. How was it with the leaders of a certain party in a powerful, and, so far as the main body of the people were concerned, I believe patriotic, State of this Union (Massachusetts) during the late war with Great Britain, when, encompassed by hostile fleets and armies, our country was pressed hard in battle? Did not their political opposition to the then existing democratic administration, though seeking to veil itself then, as now, under the alleged injustice of the war, and the morality and religion of a Christian community, push them on to enactment, in the higher branch of her State Legislature, of a solemn decree that "it was unbecoming a moral and religious people to rejoice at the victories" of our brave countrymen, and were then, as now, the leaders of that party opposed to supplies. But, sir, I will do justice to the main body of the people of that State. They were, sir, I fully believe, then, as now, in heart truly patriotic; for, sir, they rested not, much as they admired their splendid and gifted leaders, to whose bitter denunciations of democratic men and measures they had lent too willing an ear—they rested not until their patriotic sentiments prevailed in that branch where the decree had been registered, and it was expunged from their records. I allude to this in no spirit of unkindness; it is a part of the history of our country, and marks the conduct, if not the principles, of the leaders of a great party contending for power.

As to the Indian character, who is ignorant of it? Who has not heard it described by our fathers, who had to do with them? Who has not read it on every page of our country's history? Their leading traits, their master passions, stand out in bold relief. We must take things as they are. We are a practical people. Our policy adapts itself to facts and circumstances as they are found to exist. What are these traits? In peace, when not drawn out by the excitement of the chase and the slaughter of game, the Indian leads a

life of listless indolence, abhorring the drudgery of manual labor, and knowing not the meaning of the word industry. War, a war of extermination, which calls into the most excited action all the baser passions of his nature, seems the element of his keenest enjoyment and glory. His whole soul is then roused into fierce activity. No mercy restrains him. His uniform rule of warfare is, to spare neither age, sex, or condition, and to keep no faith with his enemy.

How was it, sir, when hostilities broke out between such a race and our early settlers in New England? No matter how it began: there might be individuals in the wrong on either part. What was done by our fathers, when they found their cattle killed or driven off, their wives and children savagely slaughtered, and their own dwellings razed to the ground by fire? They hunted them to their lodges in the deep wilderness, and pursued them with fire and sword, even to extermination. What would you have had them done? What must we have done, had we been in their places? When in conflict, one or the other race must give place. Our fathers did not choose to. Do we taunt them for it; does our sense of justice revolt at their choice? Let us in fancy change places with them; enter into their labors, their perils and privations, and suffer what they suffered, and endure what they endured, year in and year out, and then let us see in whose behalf sympathetic appeals are made.

The case of our frontier settlers now, when an Indian war breaks upon them, is similar to theirs then. But this sort of sympathy expressed by the gentleman from Virginia, for the tawny red skin, strikes me as too near akin to that set up in some other quarter for a race of still deeper dye. It costs nothing to work up and express a sympathy of this sort; but what particular good is it intened to effect? I might, perhaps, wish, for the sake of suffering humanity, that we had the power and wisdom to remedy "all the ills which flesh is heir to," and that we might not only improve the condition, intellectual, moral, and political, of every one who is not already perfect in all these particulars, but also go a step further, and change the color of the dark races in our country, so that the sympathy felt by some, and the disgust by others, on that account, might give us no trouble hereafter.

The gentleman dwells on the petty details of the war—our reverses, their good fortune, and the few *braves* that have yet been taken or killed in battle, but mostly on the expenses already incurred. But I ask, is this not a war, and began, too, by them, and in defiance, too, of their own *bona fide* treaty, sanctioned by them, and all the branches of this Government, without a dissenting voice? To us here, sir, as the representative of the American people, this is the great and momentous question: Is there a war? For, sir, in the language of patriotism, our country is our common mother; and when and while blows are aimed at her, when she is attacked and

bleeding from the wounds of an enemy, who of her sons will not fly to her defence, and to the succor of those who are defending her, and that, too, without stopping to count the exact cost, or learn the precise origin of the quarrel? Let not our country suffer. End the war first, then if there was any fault any where, point it out and apply the proper remedy. But can gentlemen in this war find a single fault at the door of the Administration? The delegate from Florida set the whole matter right, and says he is ready to defend it, on that score, against the world.

The expenses, I admit, are great, and the accounting officers are bound to scrutinize all this matter and to place the result before us. If our money has been corruptly used or squandered by any officer, let him, at a proper time, and in a proper mode, be tried and punished. All wars are excessively expensive, in both treasures and life.

In the expenses of this Florida war, we must take into consideration the nature of the service, the enemy, the country, the want of provisions and supplies there, and the climate, which suspends all operations during the summer and fall months; and more than all, the peculiar form of our Government, which, popular and free, is wholly averse to large standing armies; so that when war, the greatest of national calamities, does chance to us, even from the insignificant foe, it finds us almost wholly unprepared, and from necessity compelled to incur extraordinary expense to but little purpose at first. But in a short time the patriotism of the mass of the people, who are attached the more strongly to their Government, as its yoke is easy and its burden light, rallies to the rescue, and overcomes all obstacles. But what, I ask, is the expense of a few millions, more or less, in getting ready and in making soldiers of citizens, compared with that incurred under other forms of Government in maintaining, in the heart of the country, in times of peace, large standing armies, corrupting the morals of the people, and eating out their substance like a cancer?

The humane policy, also, of our Government, in its steady efforts to preserve the Indian race, by removing them out of the limits of the States, where the settlements of the whites have approached them on all sides, and to whose laws and usages the Indians cannot be made to submit, to fertile territories beyond the Mississippi, to be theirs exclusively, and in our efforts, too, to restrain different tribes from wars among themselves, has cost the Treasury millions upon millions. It may be a mistaken policy, but it is believed, by good and wise men, to be the only one that can preserve the race.

The whole campaign of our commanding general, Jesup, in Florida, has been bitterly arraigned. I concede his humanity to the captives he had made, and his trust in their good faith, has cost us dear. I have often said, and now repeat, that had I been in command in that officer's place at Tampa Bay, and had got my hands

upon the murderous Seminole chiefs and warriors, I would have shipped them all off, *instantly*, on board of the vessels then in waiting, and not trusted one of them with an opportunity to escape again to their fastnesses among the swamps. But what is to become of the "poor Indians, if we do not permit them to keep possession of Florida?" asks the gentleman. If they do not lay aside hostilities, submit, and perform on their part a treaty which has already been complied with on our part, I repeat I cannot answer.

So long as they continue to war with us, and in their own peculiar mode, it will be still as it had been for centuries past: they will disappear before the onward progress of the more powerful whites, whose improvements cannot be stayed by any such obstacles. If they shall change their modes of feeling and acting, and become like our own race, tillers of the soil, and lovers of the arts and sciences, and in every respect good, industrious, and quiet citizens, then, indeed, would no one here or elsewhere be in danger of collision with them, or desire to molest them.

As to John Ross, who has so often been vauntingly introduced here and elsewhere, as a proof and specimen of what civilization can do in improving the Indian race, I do not know him personally. Curiosity led me to inquire him out, and I was pointed to a white man. He may, by adoption or some mode, have become a chief among Indians; but he is not in blood, no one could mistake, who looks at him. Is this the kind of civilization and improvement of the race we hear so much about? Such men, or mixture of men, may get among the ignorant savages, and rise to great power and influence, and to the control of the affairs and money of the tribe; but in the end they will prove rather a curse than a blessing to the real Indians. Let us not, upon false data, lead ourselves or others into false positions and false sympathies. The ideal must give place to the reality. We must act upon facts, with the eternal truths of nature before our eyes. Speculate and sympathise as you will, the white man will still be true to the inward laws and instincts of his race, and so will the red and the black.

I speak not of individuals, but of masses. I hope gentlemen, whose sensibilities are now so much enlisted in the conditions of the Seminoles and Cherokees, now in Florida and Georgia, will not forget how their own forefathers, whose memories I know they revere, under similar circumstances, in the early settlement of the country, and when they were a frontier people, how they dealt with similar enemies; and I entreat gentlemen, if they have not indeed forgotten these things, to tell me in whose behalf their true sympathy is enlisted? Does it not flow in the broad channel of the common weal of the greatest number of its own race, or does it seek out the narrower one of a wild and untameable race, wasting its influence, and accomplishing no great general results?

Our sense of justice has been appealed to. Let me ask those gentlemen who do this, if they are willing to yield up the fair fields and beautiful sites they now possess and enjoy, to the lineal heirs and descendents of the lords of the forest, (if, indeed, there be any left,) whom their fathers found there and dispossessed, without the fair consideration, which strict, abstract justice might require? If not, then I say, why cry out against thy white brethren? Were your property, and the lives of your families, exposed, as in this case, to the hostile incursions of Indians, and a war should break out, would you not be under the necessity of tracking them, as did your fathers in by-gone days, through the winter snows, to their wigwams among the hills, and subdue them, cost what it might?

Sir, how has this vast continent, but recently a wilderness, been reclaimed and settled, and filled with a free, hardy, and enterprising people? The two tides of population, the savage and the civilized, have here met. They abhor to mix: their pursuits run not together: the one must give room to the other—the fierce hunter and warrior of the wilderness, to the more gifted, but peace-loving artisan and cultivator of the soil. Would you stay the onward progress of our own race? or would you even attempt to reverse our positions? You could not if you would. We must take things as they are; and before we so bitterly condemn others, let us reflect how we ourselves, under like circumstances, should probably feel and act.

I ask pardon of the committee for having said so much on this subject. I felt pained to hear in this place gentlemen make such severe, and, as I thought, unmerited denunciations, with an apparent view to some influence abroad, of the settled policy of our own Government and race ever since the earliest history of the whites on this continent, and rose to repel them. I commend gentlemen so eager and zealous to attack and put down the administration, to a prudent husbandry of their resources; and if they expect to displace it on such grounds, I ask them on what principles the people of this country are to expect the new one to be based, if they ever get power to form one on their own notions, and to their own liking? However this may be, I trust there will be patriotic feeling enough in this body to pass this bill, providing for the payment and subsistence of our brave troops now serving their country in the defence of our suffering frontier.











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